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Federal Communications Commission
Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)
)
Amendment of Section 73.202(b),) MB Docket No. 04-258
Table of Allotments, FM Broadcast Stations)
(Levan, Richfield, Boulder Town,) RM-11000
Mount Pleasant, Utah) RM-11149

To: Assistant Chief, Audio Division

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CONTINUING EXPRESSION OF INTEREST AND
REPLY OF MID-UTAH RADIO, INC.

Mid-Utah Radio, Inc. ("Mid-Utah"), by its counsel, and pursuant to Public Notice Report No. 2688, released January 19, 2005, respectfully submits the following for consideration in connection with its Counterproposal to allot Channel 231C at Boulder Town, Utah, and to reallocate Channel 229C from Richfield, Utah, to Mount Pleasant, Utah, for operation of Mid-Utah's Station KCYQ (the "Counterproposal").

1. Initially, Mid-Utah hereby reiterates its expression of interest set forth in its Comments and Counterproposal filed herein on September 13, 2004. If the Commission allots Channel 231C to Boulder Town, Utah, Mid-Utah will vigorously pursue acquiring that channel through the FCC's auction procedures, and if awarded the construction permit for same, Mid-Utah commits to constructing and operating a new FM radio station on Channel 231C at Boulder Town. Similarly, Mid-Utah commits to serving the community of Mount Pleasant, Utah, with the operation of Station KCYQ on Channel 229C there.

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2. Further, Mid-Utah must address an erroneous observation contained in Micro Communications, Inc.'s ("Micro") September 28, 2004 Reply Comments. In opposing Mid-Utah's Counterproposal for the reallocation of Channel 229C to Mount Pleasant for KCYQ's operation, Micro states that KCYQ could instead operate on Channel 244C at Mount Pleasant from a site located approximately 15 km south of Mount Pleasant. Importantly, however, Micro apparently did no investigation of the feasibility of the site it suggested for a Channel 244C operation. Had it done even a minimal amount of investigation, it would have learned that the suggested site is unavailable for a Class C FM operation.

3. The site suggested in Micro's engineering statement (NL: 39° 24' 49"; WL: 111° 23' 56") is located on Haystack Mountain on the Sanpete Ranger District of the Manti-La Sal National Forest, which area is controlled by the Forest Service, US Department of Agriculture. Accordingly, Mid-Utah recently inquired with the Forest Service about the availability of that specific site as a communications tower site. In response to Mid-Utah's inquiry, Forest Service District Ranger Thomas Shore sent a letter of January 27, 2005, a copy of which is attached hereto at Exhibit 1.

4. As indicated in District Ranger Shore's letter, the Haystack Mountain site is not a designated "Electronic Communications Site". Moreover, he states:

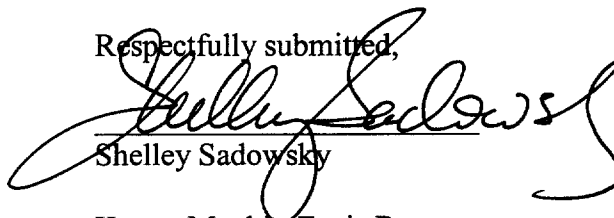
[I]t is not likely or even probable that Haystack Mountain would be approved as an Electronic Communications Site. I cannot give you reasonable assurance that you could locate and operate a high power Fm [sic] Broadcast Radio Station on any electronic sites on the Sanpete Ranger District. I cannot authorize a high power Fm [sic] broadcast use on Haystack Mountain.

In short, as District Ranger Shore's letter bears out, Micro's suggestion that KCYQ could operate on Channel 244C at Haystack Mountain is simply not feasible.

5. Finally, Mid-Utah notes that the outcome of the recent FCC Auction 37 with respect to Channel 244C at Mesquite, Nevada, confirms that Micro's original proposal for KCYQ to operate on Channel 244C remains defective. As Mid-Utah previously demonstrated, Micro was required, but failed, to show that KCYQ could operate on Channel 244C from its licensed site in compliance with the Commission's minimum spacing requirements to the allotment site for Channel 244C at Mesquite, Nevada. Now that the auction for Channel 244C at Mequite has concluded, nothing has changed in that regard since the operation of KCYQ on Channel 244C at its licensed site would be short-spaced to the site proposed in the pending long form application (File No. BNPH-20041228ABA) of the highest bidder for Channel 244C at Mesquite, College Creek Broadcasting, LLC.¹ Thus, the auction results have done nothing to save Micro's proposal, which was defective from the start and remains defective now.

Accordingly, for the reasons set forth above, the Commission should adopt Mid-Utah's Counterproposal in this proceeding.

Respectfully submitted,



Shelley Sadowsky

Katten Muchin Zavis Rosenman
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Tel: 202-625-3719

Counsel for Mid-Utah Radio, Inc.

Dated: February 3, 2005

¹ See the attached Engineering Statement/Allocation Study prepared by Reynolds Technical Associates at Exhibit 2.



United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

Sanpete Ranger District
540 North Main Street
Ephraim, UT 84627
Phone # (435) 283-4151
Fax # (435) 283-5616

File Code: 2700

Date: January 27, 2005

Mid-Utah Radio, Inc.
c/o Doug Barton
P.O. Box 40
Manti, UT 84642

Dear Doug:

This letter is in response to your telephone call to Leland Matheson of my staff on Jan. 26, 2005. Your inquiry was regarding the availability of Haystack Mountain on the Manti-La Sal National Forest as a possible high power Fm Broadcast site (Coordinates: 39 degrees 24 minutes 49 seconds -111 degrees 23 minutes 56 seconds, Elevation- 10,319 feet).

Haystack Mountain is on the Sanpete Ranger District of the Manti-La Sal National Forest. Haystack Mountain is not a designated Electronic Communications Site. There are no access roads or commercial electrical power available on Haystack Mountain. Haystack Mountain is also in a Roadless Area.

An electronic site must be designated as such in the Forest Plan. We are currently in the process of revising the Forest Plan. However, Haystack Mountain is not being considered as an electronics site in this revision. There is a designated Electronic Site east of Ephraim, Utah, on Horseshoe Peak, about 5 miles to the south of Haystack Mountain. There is additional space for electronic users. However, the Horseshoe Peak Electronics Site and all communications sites on the Wasatch Division of the Manti-La Sal National Forest are Low Power Sites (less than 1000 watts at the transmitter and less than 1000 watts effective radiated power (ERP) on the antenna).

In answer to your inquiry, it is not likely or even probable that Haystack Mountain would be approved as an Electronic Communications Site. I cannot give you reasonable assurance that you could locate and operate a high power Fm Broadcast Radio Station on any electronic sites on the Sanpete Ranger District. I cannot authorize a high power Fm broadcast use on Haystack Mountain.

The designation process for an electronic site can be long, time consuming and expensive. In addition, site plans need to be prepared for those existing sites that do not have approved plans. It is the Approved Site Plan that determines what kinds of uses (including transmission power levels) will be allowed at the site. We are not planning on revising any existing site plans to allow high power transmission at this time.



Doug Barton

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I recommend you look on private or other non-National Forest System land for location of a High Power FM Broadcast Station (in excess of 1000 watts effective radiated power).

Thank you for your inquiry.

Sincerely,


THOMAS H. SHORE
District Ranger

cc:

Leland Matheson



**Engineering Statement
In Support of an
Expression of Interest
Mid-Utah Radio, Inc.**

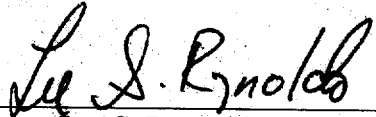
**Channel 244C at Richfield, UT Allocation Study
(Using the licensed coordinates of KCYQ as reference)**

| | | |
|------------------------------------|------------------|-----------------|
| REFERENCE | CLASS = C | DISPLAY DATES |
| 38 32 30 N | | DATA 01-25-05 |
| 112 03 31 W | Current Spacings | SEARCH 02-03-05 |
| ----- Channel 244 - 96.7 MHz ----- | | |

| Call | Channel | Location | Dist | Azi | FCC | Margin |
|---|-------------------|-----------------|------------------|--------------|--------------|----------------|
| <hr/> | | | | | | |
| RADD | ADD 244C | Richfield | UT 90.11 | 16.0 | 290.0 | -199.89 |
| KCFM | LIC 244C | Levan | UT 102.75 | 30.5 | 290.0 | -187.25 |
| RDEL | DEL 244C | Levan | UT 102.75 | 30.5 | 290.0 | -187.25 |
| AL244 | RSV 244C1 | Levan | UT 115.44 | 11.8 | 270.0 | -154.56 |
| | | | | | | |
| ALLO | VAC 244C | Mesquite | NV 257.26 | 223.8 | 290.0 | -32.74* |
| AP244 | APP 244C | Mesquite | NV 257.26 | 223.8 | 290.0 | -32.74* |
| AP244 | APP 244C | Mesquite | NV 278.91 | 220.5 | 290.0 | -11.09* |
| | | | | | | |
| AP244 | APP-N 244C | Mesquite | NV 279.23 | 221.2 | 290.0 | -10.77* |
| Of note: | | | | | | |
| Site filed for by College Creek Broadcasting (the lead applicant) | | | | | | |
| (BNPH-20041228ABA) in a FCC Form 301. | | | | | | |
| | | | | | | |
| AP244 | APP 244C | Mesquite | NV 284.32 | 229.2 | 290.0 | -5.68* |
| AP244 | APP 244C | Mesquite | NV 284.32 | 229.2 | 290.0 | -5.68* |
| AP244 | APP 244C | Mesquite | NV 287.89 | 231.0 | 290.0 | -2.11* |
| AP244 | APP 244C | Mesquite | NV 290.55 | 228.2 | 290.0 | 0.55 |
| AP244 | APP 244C | Mesquite | NV 312.39 | 226.6 | 290.0 | 22.39 |

* - These coordinates are short spaced to the licensed site of KCYQ on channel 244C under §73.207.

For Mid-Utah Radio, Inc.:


 Lee S. Reynolds

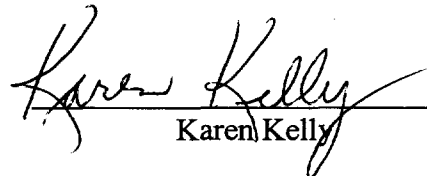
CERTIFICATE OF SERVICE

I, Karen Kelly, hereby certify that on this 3rd day of February, 2005, a copy of the foregoing **Expression of Interest and Reply** was sent via e-mail or first class mail, as indicated below, to the following:

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Karen Kelly

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